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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,175	07/19/1999	GEORGE MILEOS	C29545/09561	8850

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EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/357,175

Applicant(s)

MILEOS ET AL.

Examiner

Naschica S Morrison

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2002 and 06 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7,9,10,15-31,33,35-37,42-44,46-57 and 61-114 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☒ Claim(s) 68 is/are allowed.

- 6) ☒ Claim(s) 1-5,7,9,10,15-31,33,35-37,42-44,46-57,61-67 and 69-114 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 12 August 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This is the third Office Action for serial number 09/357,175, Improved Keyboard Support Mechanism, filed on July 19, 1999. Claims 1-5, 7, 9, 10, 15-31, 33, 35-37, 42-44, 46-57, 61-114 are pending.

Information Disclosure Statement

The information disclosure statement filed 7/27/01 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

The disclosure is objected to because of the following informalities: on page 9, line 15, "bolt 30" should be --support 30-- based on lines 4-5 of the paragraph beginning on page 10, line 10. Appropriate correction is required.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 2000 on line 20 of page 19. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "ball bearing slide" recited in claims 113 and 114 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 55 is objected to because of the following informalities: on line 2, "attached" should be --attach--. Appropriate correction is required.

Claim 57 is objected to because of the following informalities: on line 2, "attached" should be --attach--. Appropriate correction is required.

Claim 97 is objected to because of the following informalities: on line 2, "attached" should be --attach--. Appropriate correction is required.

Claim 99 is objected to because of the following informalities: on line 2, "attached" should be --attach--. Appropriate correction is required.

Claim 101 is objected to because of the following informalities: on line 8, insert --,-- after "axis". Appropriate correction is required.

Claim 102 is objected to because of the following informalities: on line 4, delete "at" before "to" and delete "and" after "first bracket". Appropriate correction is required.

Claim 103 is objected to because of the following informalities: on line 5, insert --located-- after "shelf bracket". Appropriate correction is required.

Claim 106 is objected to because of the following informalities: on line 2, "attached" should be --attach--. Appropriate correction is required.

Claim Rejections – 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 78-87, 100, 101, 106 and 109-114 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 78, line 9 recites "the shelf bracket being away from the outer side edges of said shelving surface"; however, it is not understood how the shelf bracket can include the shelving surface (as recited in line 8) *AND* be away from the outer side edges of the shelving surface.

Regarding claim 100, line 2 and claim 106, line 5 recite the linkage being attached to the auxiliary shelf "near the middle of the shelf" and at "a substantially centralized point", respectively. However, there is no support in the specification or drawings for this language. Based on the drawings, the points of attachment of the

linkage to the shelf are substantially centered along the rear edge of the shelf, which does not support the language referenced above.

Claim 101 is incomprehensible because the language of the claim is inconsistent with the specification and drawings. It is not clear which structure the applicant is referencing by the following phrases: "an elongated connection path corresponding to the pivot connection of the second linkage member to the second bracket member", "a wedge block on the second bracket member", "an opposed inclined surface of the wedge block supported on the second bracket member", and "said inclined surfaces slidable with respect to each other". A sincere attempt has been made to understand which structures the applicant intends to claim; however, claim 101 uses terminology that is not found in the specification or any of the pending claims, and is further not clearly taught by the drawings. Additionally, applicant has not provided any comments regarding the support for this claim language. Therefore, claim 101 has not been further treated on the merits.

Claims 109 and 112-114 recite the keyboard engaging member (i.e. shelf) comprising two side pieces spaced apart by a center section and defining aligned slots on opposite sides of the center section; however this language is not supported by the specification or drawings. Specifically, based on the drawings, the shelf (4) does include two side pieces (vertical members attached to pivot rods 11 and 13) spaced apart by a center section. However, the drawings do not teach "slots" on opposite sides of the center section. As best understood, applicant is referencing the "recesses" which are defined by the rear edge of the shelf bracket and the two side pieces.

Regarding claims 113 and 114, lines 18 and 19 recite the keyboard support carriage being supported on "the ball bearing slide and movable along the slide". This language is not supported by the specification or drawings. Specifically, the specification teaches the keyboard support carriage being supported by the horizontal track and movable along the track and does not disclose the use of any ball bearings.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 101 and 109-114 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 101, lines 5 and 7, the term "its" is indefinite as it is unclear which previously recited subject matter the applicant is referencing.

Claims 109, 112 and 114 recite the limitation "the keyboard engaging member" in line 11. There is insufficient antecedent basis for this limitation in the claims.

Claims 113 and 114 recite the limitations "the ball bearing slide" and "the slide" in lines 18 and 19 respectively. There is insufficient antecedent basis for these limitations in the claims.

Claim Rejections – 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 55, 56, and 106 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,302,015 to Du Vall. With regards to claims 55, 56, and 106, Du Vall discloses an auxiliary shelf mechanism (Figs. 1-2b) including an auxiliary shelf (14) having a top and a bottom surface and a parallelogram linkage (16) to attach the shelf to a support surface (12) so that the shelf may be moved horizontally and vertically relative to the support surface (12); wherein the linkage is attached to the shelf (14) at a substantially centralized, interior point of the auxiliary shelf (i.e. the links 52, 54 are attached to the shelf along the central longitudinal axis thereof, which is located interior of edge 30 and the opposite rear edge of the shelf) in a manner to prevent the shelf mechanism from extending below the bottom surface of the shelf (see Fig. 2).

Claims 55, 96-100, 104, and 108 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,644,875 to Watt. With regards to claims 55, 96-100, 104, and 108, Watt discloses an auxiliary shelf mechanism including an articulating arm mechanism comprising: a mechanism including a parallelogram linkage comprising an elongated downwardly opening channel-shaped member (30), two linkage arms (76,78) that connect a mounting bracket (18) and shelf bracket/auxiliary shelf (22) having a top/shelfing surface (68), a bottom surface, and two side edges (at 22 and the edge opposite 22), wherein the linkage arms (76, 78) are connected to the shelf bracket (22) at a pivot connection (82, 86) above the shelving surface (see Fig. 4) so that all of the auxiliary shelf mechanism is above the bottom surface of the shelf bracket/auxiliary shelf (22), wherein the linkage arms (76,78) connect to the auxiliary shelf/shelf bracket (22) away from the two side edges (see Fig. 2) and near (defined by Merriam Webster's

Collegiate Dictionary as "close to") the middle (defined by Merriam-Webster's Collegiate Dictionary as "something intermediate between extremes"), wherein the auxiliary shelf/shelf bracket (22) may be moved horizontally and vertically relative to a desk (14).

Claim Rejections – 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-5, 7, 9, 10, 15-17, 19-31, 33, 35-37, 42-44, 46-54, 61-67, 69-77, 102, 105, and 109-114 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,292,097 to Russell in view of U.S. Patent 5,257,767 to McConnell. Regarding claims 1-5, 7, 9, 10, 15-17, 19-31, 33, 35-37, 42-44, 46-54, 61-67, 69-77, 102, 105, and 109-114, Russell discloses an auxiliary shelf mechanism, for vertically positioning a shelf/keyboard support, including an articulating arm mechanism comprising: a mounting bracket (13) for attachment to a base (10); a parallelogram linkage (Figs. 20-21) having a first end for mounting a shelf (11) and a second end pivotally connected to the mounting bracket (13) for permitting vertical swinging movement of the shelf relative to the mounting bracket between lower and upper positions, the linkage including an upper link/bar/arm (16), a lower link/bar/side arm (15), a first end link/shelf bracket (14), and first, second, third, and fourth pivot connections having parallel axes; wherein the upper link (16) has opposite ends pivotally coupled to the first end link (14) and the mounting bracket (13) by the first and second pivot connections, one end of the lower link (15) is pivotally coupled to the first end link (14) by the third pivot connection, and

the second end of the linkage is pivotally connected to the mounting member (13) solely by the second pivot connection; and a stopping means attached to an inside face of the mounting bracket (13) and including a first wedge/engagement surface (36) on the linkage and a second wedge/engagement surface (35) of the mounting member (13), the first wedge/engagement surface (36) being normally gravitationally biased into engagement with the second wedge/engagement surface (35) and being released from engagement by applying an upwardly directed manual force (col. 6, lines 54-65).

Russell further discloses the lower link/bar/side arm (15) being able to pivot and reciprocatingly move relative to the fourth pivot/crank and slider joint (29,30); the stopping means having a concave stopping surface (35 generally) facing and capable of frictionally engaging the convex rear surface (36 generally) of the lower link/bar/side arm (15); interconnecting projections/teeth (35, 36 in Fig. 17) serving as "fixing means" and a "locking mechanism"; and the stopping means including angled surfaces (Fig. 22).

Russell does not teach the first/upper and second/lower arms not being substantially parallel to each other or the shelf bracket including two spaced side pieces. McConnell discloses a shelf mechanism comprising: a first/upper arm (18) pivotally connected to a mounting bracket (16) and a shelf bracket/keyboard support member (22) by first and second pivot points (71,77), the shelf bracket/keyboard support member (22) comprising a generally planar keyboard support surface (at 111) and two parallel side pieces (79) spaced apart by a center section and defining aligned slots on opposite sides of the center section (see Figs. 4 and 6), the side pieces (79)

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being above the bottom curvilinear surface (at 22 in Fig. 5) of the shelf bracket/keyboard support member and at substantially interior, but spaced points on the shelf bracket/keyboard support member (22); a second/lower arm (20) connected to the shelf bracket by a third pivot point (81) and to the mounting bracket by a fourth pivot point (75); wherein the first and second arms (18,20) are not substantially parallel to each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the articulating arm mechanism by substituting the shelf bracket of McConnell for the shelf bracket (14) and providing a non-parallelogram linkage because one would have been motivated to provide for effective clockwise movement of the shelf bracket as the linkage is moved to a storage position as taught by McConnell (col. 6, lines 45-50). Russell fails to teach the auxiliary shelf mechanism being capable of horizontally positioning the shelf. McConnell further teaches a means for rotatably attaching the shelf (24) to a base/desk (10) comprising: a mounting track (14); a swivel mechanism (40,42) associated with the mounting bracket (16) for rotating the arm mechanism (18,20); the swivel mechanism positioned in combination with the mounting track to which the mounting bracket is slidably connected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the auxiliary shelf mechanism by providing a mounting track and swivel mechanism because one would have been motivated to provide a support mechanism which provides for improved ease of storage of the keyboard shelf beneath a desk and which may be easily positioned in an orientation for use as taught by McConnell (col. 2, lines 43-47).

Additionally, Russell fails to teach a spring for biasing either the first or second arm. McConnell teaches a coil spring (72) connected to the first pivot rod (71) and the mounting bracket (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mechanism by including a spring attached to the first arm because one would have been motivated to provide a means for biasing the linkage in the clockwise direction as taught by McConnell (col. 5, lines 56-59). Russell also fails to teach the first, second, and third pivot connections including rods and the fourth pivot connection including a bolt. McConnell teaches the pivot connections including pivot rods (71,75,77) and a bolt (81). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the pivot connections by including pivot rods and a bolt as a known means for pivotably connecting the members of the arm mechanism and as taught by McConnell. Russell fails to teach two lower/side arms (15). McConnell teaches the first/upper arm (18) pivotally connected at two separate locations (85 - Fig. 6) to the two side arms of lower arm (20) that are integrally connected at end (95). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the linkage of Russell by providing two separate points of attachment between the first/upper and second/lower arms and two stopping means for the side arms in order to provide symmetric, stable support as taught by McConnell and as was generally known in the art.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of McConnell as applied above, and further in view of U.S. Patent 5,031,867 to

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Cotterill. Regarding claim 18, Russell in view of McConnell discloses the mechanism as applied above including a crank and slider joint (29,30) and stopping mechanism (35,36) for adjusting the position of the linkage relative to the mounting bracket (13).

Russell in view of McConnell does not teach a locking knob for fixing the side/lower arm (15). Cotterill discloses a keyboard support comprising a linkage (22,24,25,31,27) having a crank and slider joint (29,30) consisting of a threaded pivot pin (29) engaged by a locking knob (shown as 29 in Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mechanism by providing the threaded pin and locking knob as an alternative means for adjusting the linkage and to facilitate adjustment to a desired angle and tilt with only one hand as taught by McConnell (col. 2, lines 42-50).

Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Du Vall as applied to claims 55, 56, and 106, in view of McConnell. Regarding claim 57, Du Vall discloses the auxiliary shelf mechanism as applied above but does not teach a non-parallel linkage. McConnell discloses the shelf mechanism as applied above, wherein the first and second arms (18,20) of the linkage are not parallel to each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the auxiliary shelf mechanism by providing a non-parallel linkage because one would have been motivated to provide for effective clockwise movement of the shelf as the linkage is moved to a storage position as taught by McConnell (col. 6, lines 45-50).

Claims 78-82 and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Watt. Regarding claims 78 (as best understood), 79-82 and 86, Russell discloses the mechanism as applied to claims 55, 96-100, 104, and 108 above but does not teach the shelf bracket (14) being pivotally connected to the front portion of the first/upper arm (16) by at least one pivot positioned above a shelving surface (at 14). Watt discloses the auxiliary shelf mechanism as applied to claim 96 above, and further teaches the first/upper arm (76) pivotally connected to the shelf bracket (22) at a pivot connection (82) above the shelving surface (see Fig. 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the articulating arm mechanism by providing a pivot connection between the first/upper arm and shelf bracket located above the shelving surface as an alternative means for pivotally supporting the shelf bracket and as taught by Watt.

Claims 83-85 and 87-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell in view of Watt as applied to claims 78-82 and 86 above, and further in view of McConnell. Regarding claims 83-85 and 87-95, Russell in view of Watt discloses the shelf mechanism as applied above but does not teach the auxiliary shelf mechanism being capable of horizontally positioning the shelf. McConnell further teaches a means for rotatably attaching the shelf (24) to a base/desk (10) comprising: a mounting track (14); a swivel mechanism (40,42) associated with the mounting bracket (16) for rotating the arm mechanism (18,20); the swivel mechanism positioned in combination with the mounting track to which the mounting bracket is slidably connected. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to have modified the auxiliary shelf mechanism by providing a mounting track and swivel mechanism because one would have been motivated to provide a support mechanism which provides for improved ease of storage of the keyboard shelf beneath a desk and which may be easily positioned in an orientation for use as taught by McConnell (col. 2, lines 43-47). Russell does not teach the first/upper and second/lower arms not being parallel to each other. McConnell discloses the shelf mechanism as applied above, wherein the first and second arms (18,20) are not substantially parallel to each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the articulating arm mechanism by providing a non-parallelogram linkage because one would have been motivated to provide for effective clockwise movement of the shelf as the linkage is moved to a storage position as taught by McConnell (col. 6, lines 45-50). Additionally, Russell fails to teach a spring for biasing either the first or second arm. McConnell teaches a coil spring (72) connected to the first pivot rod (71) and the mounting bracket (16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the mechanism by including a spring attached to the first arm because one would have been motivated to provide a means for biasing the linkage in the clockwise direction as taught by McConnell (col. 5, lines 56-59).

Claims 103 and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watt as applied to claims 55, 96-100, 104, and 108 above, in view of McConnell. Regarding claims 103 and 107, Watt discloses the auxiliary shelf mechanism as applied above but does not teach a non-parallelogram linkage. McConnell discloses the shelf

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mechanism as applied above, wherein the first and second arms (18,20) of the linkage are not parallel to each other. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the auxiliary shelf mechanism by providing a non-parallelogram linkage because one would have been motivated to provide for effective clockwise movement of the shelf as the linkage is moved to a storage position beneath a workstation or desk as taught by McConnell (col. 6, lines 45-50).

Allowable Subject Matter

Claim 68 is allowed.

The following is an examiner's statement of reasons for allowance: although the prior art of record discloses many of the limitations of the claim, it fails to teach or suggest those limitations in combination with at least one second link member selected from a second upper link and a second lower link that is disposed away from the periphery of the support mechanism.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed 8/12/02 and 11/6/02 have been fully considered but they are not persuasive.

Regarding applicant's argument that Du Vall does not teach the linkage attaching to the auxiliary shelf in the interior region of the shelf, examiner respectfully disagrees. Du Vall teaches each of the limitations of claim 55 as applied in the rejection set forth above.

In response to applicant's argument, pertaining to claim 96, that Watt fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., non-parallel mechanism) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Additionally, regarding applicant's argument that Watt does not teach the linkage-support connection being located away from the edge of the surface supported (i.e. keyboard support surface), examiner respectfully disagrees. Watt teaches each of the limitations of claim 96 as applied in the rejection set forth above.

Applicant's arguments regarding the combination of Russell and McConnell are not persuasive. Applicant has only pointed out that the devices of Russell and McConnell are inconsistent/different (i.e. one uses a parallelogram linkage and the other uses a non-parallelogram linkage), but has not set forth any substantial reasoning stating why the combination of the references would not have been obvious to one of

ordinary skill in the art at the time the invention was made. In response to applicant's argument, pertaining to claims 1-5, 7,9,10,15-17,19-31,33,35-37,42-44,46-54,61-67, and 69-77, that Russell and McConnell disclose different points of attachment between the linkage and keyboard shelf bracket, it is noted that the features upon which applicant relies (i.e., the linkage connected to the shelf near the interior of the shelf) are not recited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Additionally, Applicant does argue that the motivation found in the McConnell patent (i.e. clockwise movement of the shelf bracket during movement of the linkage to the storage position which increases the space available in the knee-hole underneath a desk ~ see abstract, lines 7-10) is "illusory" based on applicant's own teachings in the present specification. However, applicant's arguments are not persuasive since McConnell clearly teaches an "increase" in the space available for a user's knees under a desk and this benefit is further shown to exist as shown in Figure 2.

Regarding applicant's argument, with respect to the rejection of claim 18 based on Russell in view of McConnell and further in view of Cotterill, that McConnell and Cotterill are "inconsistent" since they each have brackets/linkages that attach to the (keyboard) support in very different positions, examiner acknowledges the applicant's observation; however Cotterill has only been used to teach a crank and slider joint including a threaded pivot pin and locking knob, not the location of the connection between the brackets/linkages and the keyboard support shelf.

Regarding applicant's argument, with respect to the rejection of claim 57 based on Du Vall in view of McConnell, that Du Vall and McConnell are "inconsistent" since they each have brackets/linkages that attach to the (keyboard) support in very different positions, examiner acknowledges the applicant's observation; however the location of the brackets/linkages relative to the (keyboard) support (surface) is not recited in the claim and does not impact the obviousness of the rejection applied above.

Regarding applicant's argument that Russell in view of Watt teaches away from the claimed subject matter of claims 78-82 and 86, examiner respectfully disagrees. Russell in view of Watt teaches all of the limitations of claims 78-82 and 86 as applied in the rejection set forth above. Additionally, regarding applicant's argument that Russell in view of Watt in further view of McConnell cannot be combined because they are "inconsistent", examiner respectfully disagrees. Applicant argues that Russell, Watt, and McConnell teach different locations for connecting the bracket/linkage to the keyboard support shelf; however, the location of the connection between the brackets/linkages relative to the keyboard support shelf does not impact the obviousness of the rejection applied above.

Conclusion

The prior art made of record and not relied upon is considered to be pertinent to applicant's disclosure: 2002/0043601 to Barber; 2002/0033435 to LeClair et al; 6488248 to Watt et al; 6481683 to Stewart et al; 6478279 to Barber; 6460816 to Barber; 6450467 to Timm; 6409127 to VanderHeide et al; 6398176 to Liu; 6397763 to Panzarella et al

The above references disclose movable auxiliary support mechanisms similar to Applicant's invention.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendments).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
1/22/03


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER